IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Bhagirath Khichar. Versus State of Rajasthan & Anr.

S.B. Criminal Misc. Petition No. 1071/2005 for quashing the FIR No.199/2005, Police Station, Jaisalmer.

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Date of Order: September 13, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. K.R. Choudhary, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.

BY THE COURT:

Heard learned counsel for the parties.

By the instant criminal miscellaneous petition under Section 482 Cr.P.C., the petitioner seeks quashing of FIR No. 199/2005, Police Station, Jaisalmer for the offence under Section 379 IPC.

It is contended by the learned counsel for the petitioner that the petitioner moved an application before the Assistant Engineer, Sub-Division II, TMC, I.G.N.P., Jaisalmer, on which the record was given to him by the Assistant Engineer.

From the perusal of the case diary, it appears that no such material is on the case diary. However, on a plain reading

of the FIR, the FIR discloses cognizable offence, therefore, there is no ground to quash the FIR. However, it is open for the petitioner to file such documents before the investigating officer and the investigating officer shall conduct the investigation with regard to the application addressed to the Assistant Engineer, as also as to whether the record was made available to the petitioner by the Assistant Engineer on his application dated 16.7.2005.

With these observations, the criminal miscellaneous petition stands disposed of. The stay petition stands dismissed.

(H.R. PANWAR), J.

mcs